

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Richard Henry Brown

Docket No. 7:05-CR-101-1BR

Petition for Action on Supervised Release

COMES NOW Chip Williams, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Richard Henry Brown, who, upon an earlier plea of guilty to Possession of Firearm by Felon in violation of 18 U.S.C. § 922(g)(1), Distribution of Cocaine Base (Crack) and Aiding and Abetting in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and Using, Carrying or Possessing a Firearm During and in Relation to a Drug Trafficking Crime, and Possessing said Firearm in Furtherance of said Drug Trafficking Crime in violation of 18 U.S.C. § 924(c)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on May 9, 2006, to the custody of the Bureau of Prisons for a term of 97 months. On July 8, 2008, the term of imprisonment was reduced to 60 months, pursuant to Rule 35 or the Federal rules of Criminal Procedure. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Richard Henry Brown was released from custody on June 3, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On November 23, 2012, the defendant was charged with Driving While Impaired, Possess Open Container of Alcohol in Vehicle, Reckless Driving to Endanger, Expired Inspection, No Operators License, and Expired Tags. Mr. Brown submitted to a chemical analysis of his breath which resulted in a blood alcohol level of .13. The defendant reported the arrest in a timely manner

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and admitted responsibility for his actions. Mr. Brown is otherwise in compliance. He has maintained stable full-time employment and is a considered a valued employee by his employer. In consideration of his blood alcohol level being above the legal limit, it is recommended the violation be addressed by the imposition of a two (2) day jail sanction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Chip Williams
Chip Williams
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: January 23, 2013

ORDER OF COURT

Considered and ordered this 24 day of January, 2013, and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

